



Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: July 17, 2008

To: Council Member Gary Schiff, Chair, Zoning and Planning Committee
Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Appeal of the Zoning Board of Adjustment action:

- **Denying** a variance to increase the amount of signage along 4th Street NE from 37 square feet to 51 square feet.
- **Denying** a variance to increase the area of a projecting sign from 12 square feet to 24 square feet to allow for the existing projecting sign.
- **Denying** a variance to increase the area of a wall sign from 45 square feet to 51 square feet to allow for the existing wall sign.

To allow for an existing projecting sign and wall sign located at 2500 4th Street Northeast in the C1 Neighborhood Commercial District.

Recommendation: The Zoning Board of Adjustment adopted staff recommendation and denied three variances to allow for an existing projecting sign and wall sign located at 2500 4th Street Northeast in the C1 Neighborhood Commercial District.

Previous Directives: N/A

Prepared or Submitted by: Brian Schaffer, Senior City Planner, 612-673-2670

Approved by: Jack Byers, Planning Supervisor, 612-673-2634

Presenters in Committee: Brian Schaffer, Senior City Planner

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

Ward: 1

Neighborhood Notification: The Holland Neighborhood Improvement Association was notified of the appeal application on July 7, 2008.

City Goals: See staff report.

Comprehensive Plan: See staff report.

Zoning Code: See staff report.

Living Wage/Job Linkage: Not applicable.

End of 60/120-day Decision Period: The end of the 60 day decision period is July 15, 2008. On July 3, 2008 staff sent a letter extending the decision period another 60 days. The 120 day decision period expires September 13, 2008.

Other: Not applicable.

Background/Supporting Information Attached: Mike Lawrance filed an appeal of the Zoning Board of Adjustment decision denying the following variance to allow for an existing projecting sign and wall sign located at 2500 4th Street Northeast in the C1 Neighborhood Commercial District.

- A variance to increase the amount of signage along 4th Street NE from 37 square feet to 51 square feet.
- A variance to increase the area of a projecting sign from 12 square feet to 24 square feet to allow for the existing projecting sign.
- A variance a variance to increase the area of a wall sign from 45 square feet to 51 square feet to allow for the existing wall sign.

The Zoning Board of Adjustment voted 7-0 to deny the variances to allow for the existing signs on June 12, 2008. The appellant filed an appeal on June 23, 2008. The appellant's statement is included in the attached supporting material.

Supporting Material

- A. Appellant statement of appeal
- B. June 12, 2008 ZBOA Meeting Minutes
- C. June 12, 2008 ZBOA Staff Report with attachments

Board of Adjustment Hearing Testimony and Actions

Thursday, June 12th, 2008
4:30 p.m., Room 317 City Hall

Board Membership: Mr. Matt Ditzler, Mr. John Finlayson, Mr. Paul Gates, Mr. Chris Koch, Ms. Marissa Lasky, Ms. Alissa Luepke Pier, Mr. Bruce Manning, Mr. Matt Perry, Mr. Dick Sandberg

The Board of Adjustment of the City of Minneapolis will meet to consider requests for the following:

2. **2500 4th Street Northeast (BZZ-4053, Ward 1):**

Mike Lawrance, on behalf of Todd Wojack, has applied for the following three variances:

- A variance to increase the amount of signage along 4th Street NE from 37 square feet to 51 square feet.
- A variance to increase the area of a projecting sign from 12 square feet to 24 square feet to allow for the existing projecting sign.
- A variance to increase the area of a wall sign from 45 square feet to 51 square feet to allow for the existing wall sign.

To allow for an existing projecting sign and wall sign located at 2500 4th Street Northeast in the C1 Neighborhood Commercial District.

CPED Department Planning Division Recommendation by Mr. Schaffer:

Mr. Finlayson moved and Mr. Perry seconded the motion to adopt staff recommendation and

- **Deny** a variance to increase the amount of signage along 4th Street NE from 37 square feet to 51 square feet.
- **Deny** a variance to increase the area of a projecting sign from 12 square feet to 24 square feet to allow for the existing projecting sign.
- **Deny** a variance to increase the area of a wall sign from 45 square feet to 51 square feet to allow for the existing wall sign.

To allow for an existing projecting sign and wall sign located at 2500 4th Street Northeast in the C1 Neighborhood Commercial District.

Roll Call Vote:

Yeas: Ditzler, Finlayson, Luepke Pier, Manning, Perry and Sandberg

Nays:

Recused:

Absent: Koch and Lasky

TESTIMONY

Mr. Gates: Thank you Mr. Schaffer.

Mr. Perry: First I'd like to know how a wall sign is defined.

Mr. Schaffer (staff): A wall sign is defined as a sign that is mounted along the building wall, in this situation, this wall sign is a flush mounted system; though a wall sign is allowed to project eight inches out of the building, so if it in a cabinet that would allow for internal illumination such as a backlit sign or a sign with an aluminum face that would have letters routed through that you would be able to see. It is allowed to be eight inches thick, but a wall sign is a mounted wall sign.

Mr. Perry: So, just out of curiosity, if you paint it on the wall?

Mr. Schaffer (staff): it would still be considered a wall sign.

Mr. Perry: Okay, and the second question if I may, is how did you determine that the projecting sign counted towards the signage requirement on Lowry?

Mr. Schaffer (staff): Chair Gates, Board Member Perry, staff examined that and gave them that determination. That was a series of questions that the staff looks at when it is a projecting sign on the corner of the property, staff is ... it straddles both sides, and you could give half to half, however you would like. Staff decided to make the determination as they did. I guess you could call it a generous determination to allow that to count to the one wall sign.

Mr. Perry: Thank you very much Mr. Schaffer and thank you Mr. Chair.

Mr. Manning: Mr. Schaffer, thank you for your presentation. If I might call your attention to the top photo there, there are three banners...objects...with writing on them, on the Lowry Avenue side of the building, are those signs?

Mr. Schaffer (staff): Chair Gates, Board Member Manning, those can be considered signs, they are usually...banners are another way they are usually described as. They are required to have a permit, but often times are not proceeded to have a permit. I can't speak to whether or not, why those banners are where they are and how they're in that location...

Mr. Manning: And were they counted in your...

Mr. Schaffer (staff): They were not counted toward staff's permanent sign budget, no.

Mr. Manning: Okay, and then I have a question that may be for you, it may be for Mr. Byers, it may be for the Board in general. I apologize. If we were to grant the variance and permit the signs, projecting sign and the other professional non-bannered sign, the wall sign that faces 4th Street, is it within our powers to kill the remainder of the signage along Lowry?

Mr. Schaffer (staff): Chair Gates, Board Member Manning, I don't believe it is within your ... they are allowed that, so we'd have to look at... I don't think you actually have the ability to do that.

Mr. Manning: Thank you.

Mr. Gates: Thank you Mr. Manning, good question.

Mr. Ditzler: At this property, if the sign variance were to be granted is the variance...I'm assuming like most variances tied to the property and then that variance would transfer ownership ... you could change what was on the signs, we could change the signs, it has to do with the sign square footage, not sign specific. Is that correct?

Mr. Schaffer (staff): Chair Gates, Board Member Ditzler, that is correct to an extent, they can reface the sign if they put a new sign in that is the same dimensions, they could... if the sign was of a different scale or a different area that would likely trigger another variance, they are given approvals for these signs. This is the square footage that they are allowed for, so if they came in with a different type of sign that was projecting, that had different areas, staff would have to make

a determination at that point if it would require a variance. But to speak to your point, a variance does stay with the property it just is approved for a particular use or a particular situation and we've presented to you for these signs and scale. Chair Gates, I'm going to redirect a comment back to Board Member Manning as he was discussing limiting signage as stated in the staff report, primary the signage from one primary building while it is not allowed by the zoning ordinance should be transferred to another primary building while just to make sure that is clear if that was something that was being considered.

Mr. Sandberg: I noticed our packet contained a sheet labeled 4-5 or 4.5, is that a rendering of what a permitted sign would look like?

Mr. Schaffer (staff): Chair Gates, Board Member Sandberg, the applicant submitted that as showing what they think they can do legally for signage. Staff hasn't determined if that would meet the requirements or not, but that was something they proposed if they were not able to do the signage as they have now. It was their way of showing what else they could do that might meet the sign ordinance. Staff hasn't evaluated that to determine if that would meet requirements.

Mr. Gates: Further questions? I don't think so, thanks Mr. Schaffer. Is the applicant here? Do you wish to speak?

Mike Lawrance: Hello, I'm Mike Lawrance with Sign Crafters, and I'm representing Todd Wojack here from Northeast Palace. Thank you first of all for your time today, and I just want to point out that in essence I am here on behalf of Todd asking for you to reduce the amount of allowable signage on this property from 137 square feet to 74 square feet. All be it the individual signs may exceed the individual limits at this time for the ordinance in size, the actual signage on the property is approximately half of what is allowed and we are willing to agree to a condition of the variance being granted to restrict the signage on this property to those varied 74 feet as was raised by Committee Member Manning. I'm not sure what your legal... I'm not a lawyer by any stretch of the imagination, but we are willing to agree to that condition on the granting of the variance.

Mr. Gates: Based upon the staff statement, that's not within our authority to reduce what you are legally allowed to have there, so we won't be considering that.

Mr. Lawrance: Okay, but if it was possible to grant a condition on the variance, we would be allowable for that. What is occurring at this site, this is what was originally there, I don't think the staff produced this picture, you may have it in your file, this is the building before Mr. Wojack purchased the building. As was stated earlier, professionally made signs, though three wall signs they are not, the projecting sign is a left over sign at that time it was approximately a six by six maybe a four by eight size sign at the property, well exceeding the twelve square feet allowed. We have since installed, all be it with out a permit at that time due to some confusion on our part, which we have reconciled with the City, we have paid our fines for not pulling a proper permit for the time, and we are now here today saying we had this, we've changed it to the look you see today which is this picture, and we feel that is an incredible improvement on the property and that if we go back to the ordinance, what the ordinance states us to do as you asked about the question on the multiplication...this is completely within the ordinance rights, we don't want to do this. What we are trying to display here is that you can only have...a wall sign can only be 48 square feet. But you're allowed so many square feet per elevation, so you have to take the allowed square footage and divide it into three chunks to break it in...to get that allowed square footage. So we could have come with the proper permit and put up those signs as you see them there and we would not be here today. However we don't feel that that reduces the sign clutter in the neighborhood or reduces the sign pollution in the area as well as this does which is what we currently have. I realize that you don't have the authority to grant as you've stated the restriction against this in putting up additional signage, but the reality is that if we have to remove these signs to come into conformance, a twelve square foot projecting sign will not have any impact on that corner, it would be way too small, there would be a two foot by six foot sign at that height on

that busy of an intersection it is not even going to be noticed. We are going to have to resort to and I'm not making any threats, I'm just saying the business owner needs to keep his business in place. He's going to resort to the larger signs along Lowry to ensure that he's noticed by the passing traffic. That is achieved right now by larger projecting sign. Which is a much cleaner look, a much nicer look and one that I have not heard any complaints from the neighborhood or anyone other than the fact that the City knows it does not meet the current ordinance requirements.

Mr. Gates: Thanks very much, further comment?

Mr. Lawrance: Yeah, I had the approval of the Holland Neighborhood Association, they looked at it and they agreed with our argument as well, it only makes sense to me and them as well.

Mr. Gates: Do we have a copy of that...I'm not seeing anything in the packet...any feed back from the neighborhood, Mr. Schaffer?

Mr. Schaffer (staff): Chair Gates, Board Members, I don't recall receiving any information from the Holland Neighborhood specifically about this. We can go back and look through that and if that is the case I can include that. I haven't seen any letter from that group.

Mr. Gates: Evidence of notification?

Mr. Schaffer (staff): The applicant did notify them, that was part of the requirement for their variance application.

Mr. Gates: It's just not included in here...questions for the applicant?

Ms. Luepke Pier: Can I see the Tubby's Mexican Food Sign in color again, because it's really a bad photo copy in our packet. Thank you.

Mr. Gates: Further questions? I see none. Thank you very much. Is there anyone else here to speak in favor of the application?

Alex Rikowski: My name is Alex Rikowski and I'm at 2424 5th Street Northeast Minneapolis. I'm just on the outskirts of the 350 feet and I have a duplex that is just second from the corner over there. This property...I've lived there for 45 years and this property since the original owners going back 20 years or so, has been nothing but a problem. It has been very unkempt, unsightly, no maintenance whatsoever, the weeds grow around the thing all the time the parking lot was just grown up with weeds 15-18 inches high around the edges. The parking stones are kicked around during winter time, never straightened out during the summer. Right now, the grass around there is a foot high on the boulevard, the parking stones are crooked and these pictures they look real neat and nice and clean here, but...this place has had...I'm looking at this from about three doors down on 4th Street on the South side of this building at an angle there. There are seven signs, paper signs on the one side of the building there. Each sign roughly around 14 -15 square feet which totals up to 100 square feet of signing on the 4th Street side there and the front there are two paper signs there, down below there that almost cover the whole front there and that...those cover about 35 square feet and ever since, going back the last two owners they have been plastering signs on the side of this building and it has literally looked like a junk shop. I live in the neighborhood, I've got a nice piece of property and many of the neighbors take care of their property and when you walk down Lowry Avenue and you look at this building here you wonder, "my gosh, what's the matter with the City, how come they allow that." The parking lot has always been a mess; never any up keep. I've had...in the past 10 years I have called seven times during the summer to the building inspector to tell them to cut the grass. They never cut it until someone has complained about this, then they go around and cut it and trim it up a little bit and so forth, but nothing basically has been...or structurally has been done with the parking lot there. Last year they cut the ... they trimmed the bushes and the trees and they shoved all the branches in the corner of the lot and they are still there. They are half dead and the pile is smaller now, but the

pile of branches is still there and they never move them. This shows bushes, trees hanging over the sidewalk. The grass is a foot high on the 4th Street side. Right here on the Lowry side there, that tree there started growing about four years ago between the fence and the sidewalk at 18 inches or so and that tree is about four years old. No one ever took it out or trimmed it and it's hanging over the sidewalk.

Mr. Gates: Sir, many of these issues are related to maintenance of the property and while they are interesting, they may not be relevant to the Board that is looking at issues about just the signs and whether or not there is a uniqueness to the property that may constitute a hardship. There are other avenues for you to pursue issues regarding maintenance of the property. This really isn't the forum to do that. We certainly appreciate you coming down. If you have any other comments that would pertain specifically to the request for the variance for the signage we would love to hear those.

Mr. Rikowski: They are looking to put a sign on the side of that building there. That big white sign there and that is just not going to be ... it doesn't fit into the neighborhood at all. This sign is way over sized for that size of a building. They already have 100 square feet of paper signs on that thing and it looks like a piece of junk. They're going to try...they want to increase this sign here and put another sign up on Lowry Avenue and it's just not going to fit in there. This is a residential intersection there and this building happened to be there, but I mean, we use Lowry Avenue up and down 4th Street and so forth and the additional signage that they are going to be putting on there is just not going to do and I'm for denying.

Mr. Gates: All right, thank you again for your testimony.

Mr. Manning: Mr. Chair, if I might ask you to inquire when the photos were taken?

Mr. Gates: Can you speak to that, as to when the photos were taken? Are you referring to any one in particular?

Mr. Manning: Your photos, the ones of the building itself.

Mr. Gates: He is asking you when the photographs of the building with the additional signage on it were taken, what date?

Mr. Rikowski: I took these just last week, just this past week. Those signs were still on the wall, the paper signs were still hanging there.

Mr. Gates: Thank you very much; I believe that was a statement in opposition. Is there anyone else here to speak in favor of the application, I see no one else, and again in opposition to the application, yes?

Laura Shipiro: Hi, my name is Laura Shipiro; I live across the street from the Northeast Palace at 400 Lowry Avenue Northeast. I've lived there since 2005. This photograph was taken on Sunday. These signs were put on the building on May 16th for the Northeast Art-A-Whirl weekend and they are still there today. I just wanted to say that I like the sign on the 4th Street side, like the Northeast Palace, and I like the larger sign that projects. I'm concerned about the Lowry Avenue side since you can see that there are nine vinyl signs on the building right now. So, if I was going to oppose any variance it would just be the increase of the size on the Lowry Avenue side.

Mr. Gates: Which would mean the projecting sign?

Ms. Shipiro: I like the projecting sign, I think it ... I think it...

Mr. Gates: That's the only one that...

Ms. Shipiro: I do like the projecting sign and even though it is bigger than the permit, I do like that one and I do like the sign on the 4th Street side as well.

Mr. Gates: All right, there is no other variance though associated with the Lowry Avenue side.

Ms. Shipiro: Well, okay, I guess that was my concern ...if they are going to put a sign on the Lowry Avenue side I would like that to be a separate ... I would like to be able to see it first and have it approved of first as far as like the design and how it is going to fit in with the rest of the building.

Mr. Gates: Yeah, we aren't considering that.

Ms. Shipiro: Okay. I've been serving on the Holland Neighborhood Board for the past year and the issue of the sign has never been discussed in the last year. However we have discussed the parking lot issue, as far as like landscaping the parking lot and things like that, but we have never discussed the sign clutter in any of our meetings.

Mr. Gates: All right, anything else?

Ms. Shipiro: Yeah, just one more thing...

Mr. Gates: Question...

Ms. Luepke Pier: Yeah, I had a question, so you are saying that the applicant's statement that the neighborhood association approved of it is....

Ms. Shipiro: I'm not saying that it's not true, I'm just saying that I've served on the Holland Neighborhood Board for the past year and it has never come to my knowledge that this issue about the sign clutter has not been discussed in the past year that I have been on the board. In the past year we have discussed the issue of the parking lot, because the City apparently, the City has some issues with the parking lot as far as it needing to be landscaped and some things done with the parking lot. But as far as the Northeast Palace those were the only issues that I've sat in or discussed being on the Board. I just have another picture here of the parking lot, and there is a sign there that says Tubby's parking only and that sign has been there since the previous owner, so I don't know if that needs to come down or if that can come down or anything like that?

Mr. Gates: All right, that would be a question for staff. I think it's not the issue before us right now I don't believe. Any questions of the speaker? I see none, thank you very much. Anyone else to speak in opposition? I see no one, let's close the public testimony and take comment from the Board.

Mr. Finlayson: Oh, where to begin. Normally I take issue with some of the sign ordinances, but basically because a lot of the buildings people are trying to get variances for are frankly hard to see. It's hard to see the building; it's hard to see the signage. I don't know how many times I've driven past this operation, but it's never hard to see this place, it stands out. I think that the City Ordinance would give them ample opportunity to advertise since the building itself is so visible and allowing them to have any more since obviously they ... with the use of these vinyl banners they have a rather cavalier attitude towards reducing signage I think that we should just not do that, so saying that I move the staff position.

Mr. Gates: Thank you Mr. Finlayson, is there a second?

Mr. Perry: I will second that with an additional comment to Mr. Finlayson's. In a C1 District, we hope the signage is respectful of the residential neighbors, I think that this was sort of a higher intensity maybe there could be an argument for the signage that the applicant is seeking, but

there are two businesses, one on each corner and as Mr. Finlayson said, it's very visible, so I think the business is going to be able to be identified with the signage that the City has and I will be, as I said, I'm seconding the motion and will support it.

Mr. Manning: Just briefly, I will also be supporting the motion but wanted to state that the landlord issues that we heard about today relating to grasses or parking lots are not going to form any part of the basis for my decision.

Mr. Gates: Further comment. I hear none. We have a motion and a second to approve the staff recommendation and deny the variances, please call the roll.

Ditzler: Yes

Finlayson: Yes

Luepke Pier: Yes

Manning: Yes

Perry: Yes

Sandberg: Yes

Mr. Gates: Motion carries, those variances are denied, you can speak to staff about your options from this point forward.

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-4053

Applicant: Mike Lawrance, on behalf of Todd Wojack

Address of Property: 2500 4th Street Northeast

Contact Person and Phone: Mike Lawrance, (763) 571-2995

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: May 16, 2008

Publication of Staff Report: June 6, 2008

Public Hearing: June 12, 2008

Appeal Period Expiration: June 23, 2008

End of 60 Day Decision Period: July 15, 2008

Ward: 1 **Neighborhood Organization:** Holland Neighborhood Improvement Association

Existing Zoning: C1 Neighborhood Commercial District

Proposed Use: Two un-permitted existing signs

Proposed Variance:

- A variance to increase the amount of signage along 4th Street NE from 37 square feet to 51 square feet.
- A variance to increase the area of a projecting sign from 12 square feet to 24 square feet to allow for the existing projecting sign.
- A variance to increase the area of a wall sign from 45 square feet to 51 square feet to allow for the existing wall sign.

To allow for an existing projecting sign and wall sign located at 2500 4th Street Northeast in the C1 Neighborhood Commercial District.

Zoning code section authorizing the requested variance: 525.520 (21)

Background: The subject site at 2500 4th Street Northeast is a commercial building with a bar/restaurant known as the Northeast Palace. In 2004 the subject signs were installed without a permit, zoning enforcement staff has been working with the property owner to bring the property into compliance.

In the C1 Neighborhood Commercial District the amount of signage allowed on a structure is 1.5 times the length of the primary building wall. Sign area from one primary building wall shall not be placed on another primary building wall. The subject property is a corner lot that fronts 4th

Street Northeast and Lowry Avenue Northeast and thus has two primary building walls. According to the site plan provided by the applicant the primary building wall along Lowry Avenue is 67 linear feet and the sign allocation is 100 square feet. The primary building wall along 4th Street is 25 feet and the sign allocation is 37 square feet.

The applicant has installed a 24 square foot neon and externally illuminated projecting sign on the corner of the building which is visible from both Lowry and 4th Street NE. Since the projecting sign straddles both primary building walls staff has determined that the projecting sign will count towards the sign allocation along Lowry Avenue NE. The 24 square foot sign is well within the 100 square foot sign budget. However, the maximum area of a projecting sign in the C1 Neighborhood Commercial District is 12 square feet and the subject sign is 24 square feet. A variance is required to increase the area of the sign from 12 square feet to 24 square feet.

The applicant has installed a 51 square foot wall externally illuminated wall sign along the 4th Street NE façade. The 51 square foot sign exceeds the sign budget of 37 square feet and requires a variance to increase the sign allocation along 4th Street NE from 37 square feet to 51 square feet. In addition the wall sign exceeds the 45 square foot maximum area of a wall sign allowed in the C1 District. A variance is required to increase the area of the wall sign from 45 square feet to 51 square feet.

Findings Required by the Minneapolis Zoning Code:

1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

The applicant has requested three variances to allow for two un-permitted signs. The fact that the signs were never approved and installed illegally does not create hardship. The applicant has the option to design signage that meets the zoning ordinance requirements which will allow for a wall sign and projecting sign in the location of the subject signs. Staff does not believe that there is undue hardship caused by strict interpretation of the zoning ordinance.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The conditions upon which the variances are sought are not unique to the property. The applicant states “The signs that were installed were replicating the size and style of signage that originally existed on the site.” The applicant submitted a photograph of the building prior to the current signage. Staff agrees that the subject signage replicates the location of the previous signage. However, staff does not believe the size of the signs, which are the subject of the variance application, are similar. Staff does not believe the previous signage sets any precedent or unique circumstances for the area and allocation of the subject signage.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The proposed sign variances are not in keeping with the spirit and intent of the ordinance. The property is zoned C1 Neighborhood Commercial District. The purpose of the district is to allow small scale uses that are compatible with the adjacent residential uses. Limiting the size of signs in the C1 District is to ensure that the uses are compatible with the adjacent residential uses. Limiting the area of signs is in keeping with the spirit and intent of the ordinance.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Granting the variance would not likely increase congestion in the area or increase the danger of fire safety. The proposed variance could reduce the window coverage to below the previously approved zoning requirements which would be detrimental to public welfare or public safety.

Findings Required by the Minneapolis Zoning Code for a sign adjustment:

- 1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

The subject variances are for two signs. The number of signs, two, does not create sign clutter, however, the sizes of the signs are out of scale with the building and surrounding area and their size creates the sign clutter. The sign variances will result signs that are inconsistent with the purpose of the zoning district.

- 2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

Staff does not believe the subject signs will be more consistent with the architecture and design of the subject site due to the large size of the signs and the relatively small scale of the building.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and

- **Deny** a variance to increase the amount of signage along 4th Street NE from 37 square feet to 51 square feet.
- **Deny** a variance to increase the area of a projecting sign from 12 square feet to 24 square feet to allow for the existing projecting sign.
- **Deny** a variance to increase the area of a wall sign from 45 square feet to 51 square feet to allow for the existing wall sign.

To allow for an existing projecting sign and wall sign located at 2500 4th Street Northeast in the C1 Neighborhood Commercial District.

Attachments

1. Applicant's statement
2. Map of the area
3. Site Plan
4. Plans and photos of subject signs and building